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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,888	10/17/2003	Daniel Keith Amonett	KPF / 30CD1	9793
26875	7590	05/26/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			TAMAI, KARL I	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8M

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,888	<b>Applicant(s)</b> AMONETT ET AL.	
	<b>Examiner</b> Tamai IE Karl	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e); (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. (Muller)(US 4426158), in further view of Schwartz (US 5210722).

Muller teaches a timing motor and gear train having a stator plate 2 with upper and lower sides and a rotor 35, and having gear trains above and below the stator plate 2 with the shaft 44 engaging the gear 46 through the stator plate. The rotor mounted in an orifice which has a circumference and is bounded by a plurality magnetic poles.

Muller teaches bus bars 308-314 connected to a resonator/timer. Muller teaches every

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aspect of the invention except a single (one and only one) connection of a gear and/or gearshaft through the stator plate. Schwartz teaches a single connect through the stator plate of geartrains above and below the stator plate to allow for space consolidation of the geartrains and allowing more space for a battery. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Muller with only one connection through the stator plate to provide efficient use of space around the motor and for a battery as taught by Schwartz and because rearranging parts in an invention is within the ordinary skill in the art (see *In re Japikse*, 86 USPQ 70).

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. (Muller)(US 4426158) and Schwartz (US 5210722), in further view of Horbach (US 3215964). Muller and Schwartz teach every aspect of the invention except a coil wound on a rectangular bobbin with square wire terminals. Horbach teaches a bobbin with square terminals for the magnetic wire on the bobbin to provide inexpensive and fast assembly of the electric coil with other components. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Muller and Swartz with the square wire terminals of Horbach to provide inexpensive and fast assembly of devices required electric coils on bobbins.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. (Muller)(US 4426158) and Schwartz (US 5210722), in further view of

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Plancon et al. (Plancon)(US 4888507). Muller and Schwartz teach every aspect of the invention except a steel post perpendicular to the stator plate. Plancon teaches a steel post in the rotor perpendicular to the stator to provide a single machined rotor, pinion 6, and bearings. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Muller and Schwartz with the steel post of Plancon to provide simplified production and strong steel bearings.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-10 have been considered but are not persuasive. The Applicant's argument that claims are patentable because Schwartz does not teach a single piece connection through the stator. The examiner disagrees. The Applicant is viewing the references individually rather than the combined teaching of Muller and Scharzt. (see *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Muller does teach a two piece on connection 44, 46, 47 through the stator plate 2. Muller does not teach a single connection through the stator plate, which is shown by Schwartz to allow space for battery. The rejection is proper and maintained.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication from the examiner should be directed to Karl I.E. Tamai at (571) 272 - 2036. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (703) 872 - 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karl I Tamai  
PRIMARY PATENT EXAMINER  
May 22, 2005

KARL TAMAI  
PRIMARY EXAMINER

